

REMARKS

In response to the outstanding Office Action Paper No./Mail Date 20060720, dated July 25, 2006, applicant has carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

The title has been amended to more clearly define the invention.

The specification has been amended to further describe the invention.

Fig. 4 has been amended to include reference 11, a cylindrical sidewall. Fig. 5 has been amended to eliminate reference 29. Two substitute sheets of drawings containing Figs. 1-10 are included and a Letter to the Official Draftsman is filed herewith.

Claims 1-9 have been cancelled.

Claims 10-19 were previously cancelled.

New Claims 20-28 have been added.

No new matter has been added.

Claims 20-28 remain in the application for reconsideration by the Examiner.

Reconsideration of the application, as amended, is respectfully requested.

The Examiner required a new title indicative of the invention to which the claims are directed. The Title has been amended to read "CHILD RESISTANT PACKAGE WITH PALM OPEN FEATURE" to more clearly describe the invention as claimed.

The Examiner rejected Claims 8 and 9 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Claims 8 and 9 have been cancelled. Therefore, the Examiner's rejection is moot. Withdrawal of the rejection under 35 USC §112, first paragraph, is respectfully requested.

Claims 1-9 were rejected by the Examiner under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-9 have been cancelled. Accordingly, the Examiner's rejection is moot. Withdrawal of the rejection of Claims 1-9 under 35 USC §112, second paragraph, is respectfully requested.

The Examiner rejected Claims 1-5 and 7-9 under 35 USC §102(e) as being anticipated by U.S. Pat. No. 3,157,302 to Hakim. Claims 1-5 and 7-9 were rejected under 35 USC §103(a) as being unpatentable over Hakim in view of U.S. Pat. No. 3,684,116 to Duffy, and Claim 6 was rejected under 35 USC §103(a) as being unpatentable over Hakim in view of U.S. Pat. No. 4,402,105 to Taylor. Claims 1-9 have been cancelled. Therefore, the Examiner's rejections are moot. Accordingly, withdrawal of the rejections under 35 USC §102(e) and 35 USC §103(a) are respectfully requested.

New Claims 20-28 have been added. Claim 20 recites:

A package comprising:

- a cylindrical container having a closed end and an open end, closure retention means including a circumferential groove opening inwardly at the open end, and inclined plane means extending radially inwardly and spaced from the retention means; and
- a closure for closing the open end of the container, the closure including a body for insertion into the open end of the container, the body having a top panel integrally connected with a depending sidewall and a projection extending radially outwardly of the sidewall, and inclined plane means extending radially outwardly of the sidewall to cooperate with the inclined plane means on the container wherein upon relative rotational movement between the container and the closure the cooperating inclined plane means of the container and the closure causes relative axial movement whereby the closure disengages from the container opening the package.

Applicant's invention, as recited in new independent Claim 20, is unique in respect of the structure and function of the closure retention means and the function of the inclined plane means of the container and the closure. The retention means of the container is a circumferential groove opening inwardly from the interior surface of the container and is adapted to receive the projection of the closure. When the projection is received in the retention means, the closure is securely attached to the container in a manner that forms a fluid tight seal between the container and the closure. The inclined plane means of the container and closure cooperate to cause relative axial motion between the container and the closure when the container and the closure are rotated with respect to each other. The relative axial motion causes the projection to be received by or exit from the retention means, thus securing or releasing the closure respectively from the container and unsealing the package.

In Hakim, the retention means of the container is a plurality of uniquely shaped lugs protruding from the interior surface at the opening of the container. There are an equal number of mating openings on the closure such that each individually shaped lug must be in alignment with an individually shaped opening on the closure to release the closure from the container. Further, the size and position of the lugs and mating openings is such that there is only one orientation of the container with respect to the closure wherein each specific lug is in alignment with its mating opening and the closure is not restrained by the retention means in

the container, and the package can be opened. When the closure is in any other position, in the container, than the one cited above, it is restrained by the retaining means within the container.

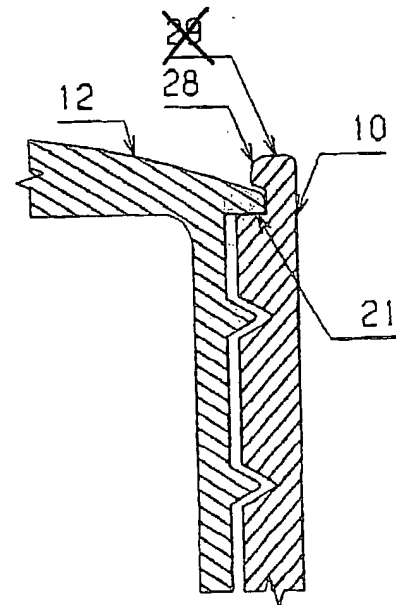
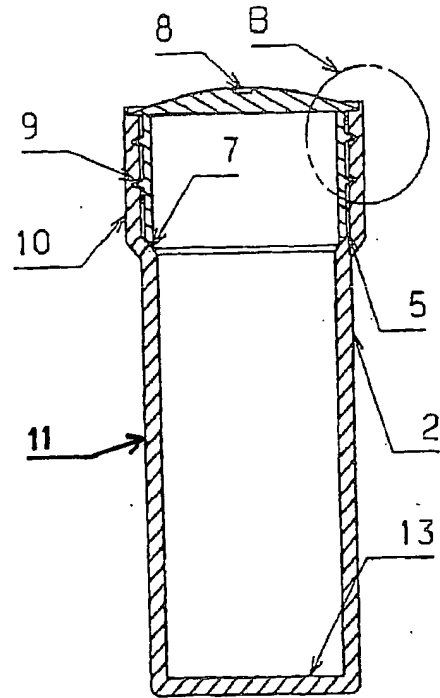
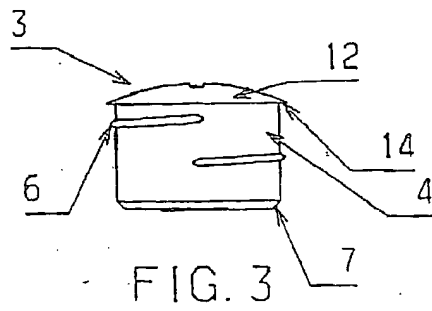
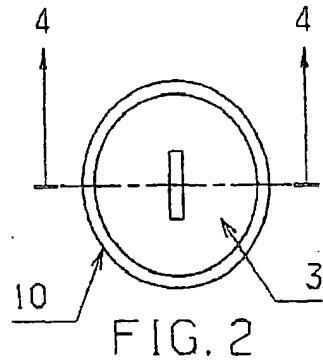
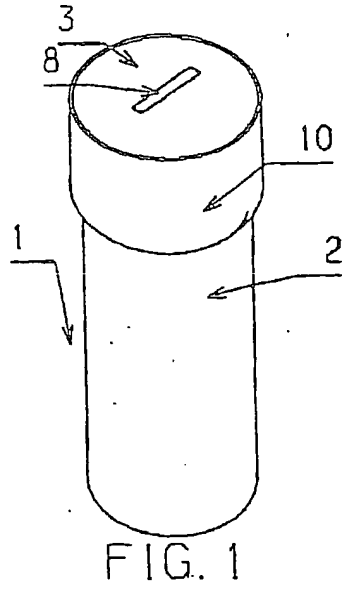
In contrast, the package in the present invention does not have the specially designed lugs on the container or mating openings in the closure. Further, the closure in the present invention does not require any specific alignment with the container to disengage the retaining means. The package in the present invention only requires rotational movement between the closure and container to provide adequate axial movement of the closure with respect to the container to disengage the closure from the retaining means in the container, thus opening the package. The structure and function of the package in Hakim differs from that of the package in the present invention as stated above, and in claim 20.

The structure recited in independent Claim 20 is not obvious in respect of the primary reference Hakim in view of secondary references Duffy and Taylor. None of these references, either alone or in combination, teaches or even remotely suggests axial movement caused by the relative rotational movement between the closure and container causing a projection of the closure to pass over a retention means of the container.

In view of the structural differences between the invention recited in Claim 20 and that disclosed in the Hakim reference, Claim 20 is not anticipated under 35 USC §102 and is not obvious under 35 U.S.C. §103(a) and is patentable. Claims 21-27 depend, either directly or indirectly from Claim 20. Accordingly, Claims 21-27 are patentable.

It is submitted that the claims distinctly define the applicant's invention and distinguish the same over the prior art of record. Reconsideration of the application is respectfully requested. Accordingly, a Notice of Allowance is solicited.

While the applicant's attorney has made a sincere effort to properly define applicant's invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the applicant's attorney in a sincere effort to expedite the prosecution of the application.



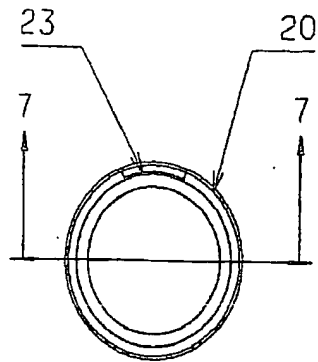


FIG. 6

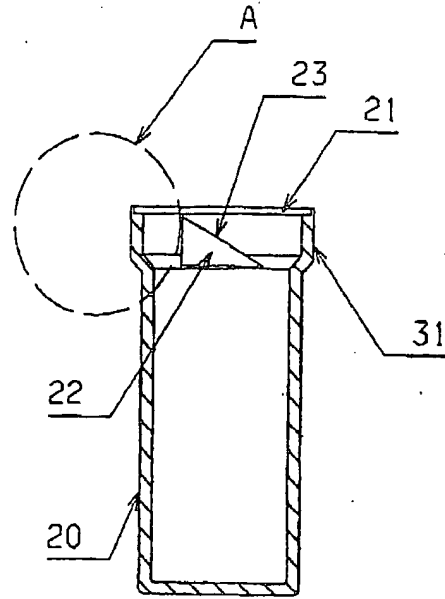


FIG. 7

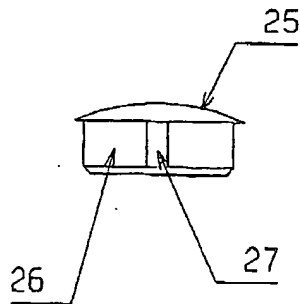


FIG. 8

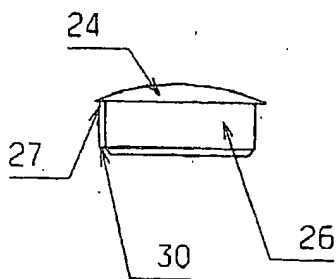


FIG. 9

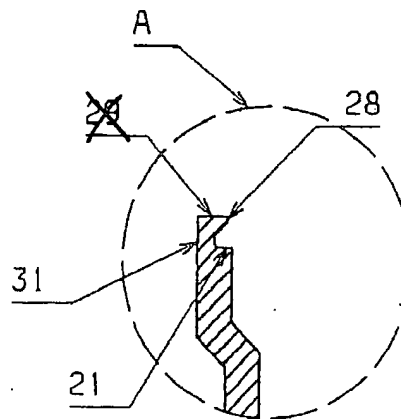


FIG. 10